

11-1915.131-JCD

January 30, 2013

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|-------------------------|---|---------------|
| CARLOS MEDRANO, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. 11 C 1915 |
| |) | |
| ALANIZ GROUP, INC., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OPINION AND ORDER

This is an action by thirteen plaintiffs for unpaid wages. On September 24, 2012, we entered a final judgment order in favor of plaintiffs and against defendants, Alaniz Group, Inc., Miguel Alfaro-Alaniz and Rogelio Alaniz, jointly and severally, in the total amount of \$311,785.11. The judgment was based upon defendants' default, and the amount of the judgment included all of the unpaid wages, liquidated damages, and statutory penalties that plaintiffs sought to recover under federal and state law.

Currently before the court is plaintiffs' petition for attorneys' fees and costs, in which they seek \$109,914.00 in attorneys' fees and \$1,797.39 in costs. Plaintiffs are prevailing parties, and pursuant to the fee-shifting provisions of the statutes giving rise to their claims, they are entitled to their reasonable attorneys' fees and costs of the action. See 29 U.S.C. § 216(b) (Fair Labor Standards Act); 820 ILCS 105/12(a) (Illinois

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Minimum Wage Law); 820 ILCS 130/11 (Illinois Prevailing Wage Act).

Plaintiffs seek fees for the work of three attorneys: Marni Willenson, Michael C. Keberlein Gutiérrez, and Jose J. Alonso. We have already approved as reasonable their hourly billing rates of \$390.00 for Ms. Willenson, \$350.00 for Mr. Keberlein Gutiérrez, and \$265.00 for Mr. Alonso. Plaintiffs also seek fees for the work of Pedro Gaytan, an experienced bilingual paralegal, at the billing rate of \$175.00 per hour, and several law-student interns at billing rates ranging from \$125.00 to \$175.00 per hour. We find that these rates are reasonable as well.

The total number of hours spent on this case by plaintiffs' attorneys, paralegal, and law-student interns is 378.8. Plaintiffs' petition organizes the work that was performed into four litigation phases: (1) 107.2 hours for pre-filing investigation, preparation of the complaint, and work on collective-action certification, from August 2010 through May 11, 2011, for which \$30,233.50 in fees is sought; (2) 40.6 hours for discovery and work securing an entry of default, from May 12, 2011 through November 9, 2011, for which \$12,423.50 in fees is sought; (3) 216 hours for compiling a class list, opposing a motion to vacate the entry of default, attempting to settle the matter, and preparing for an evidentiary hearing on damages regarding plaintiff's motion for entry of default judgment, from November 10, 2011 through September 24, 2012, for which \$62,447.50 in fees is

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sought; and (4) 15 hours for preparation of the fee petition, for which \$4,809 in fees is sought.

Plaintiffs' petition is supported by the declarations of the three attorneys and their very detailed billing records. The declarations and the time records adequately support the fees requested and do not appear to include duplicative or unnecessary work. We commend plaintiffs' attorneys for eliminating their time entries for arguably "non-lawyer" work, duplicative work, and review of co-counsel's work. (Decl. of Marni Willenson ¶ 4; Decl. of Michael Keberlein Guttiérrez ¶ 7; Decl. of Jose J. Alonso ¶ 7.) Much of the work performed by plaintiffs' attorneys and staff was occasioned by defendants' lack of cooperation in the proceedings. Defendants repeatedly failed to cooperate with their counsel, which resulted in the withdrawal of all three sets of attorneys that they had retained at various points in the case. Defendants also failed to cooperate in discovery and sometimes failed to appear in court (including failing to appear at the evidentiary hearing on plaintiffs' motion for entry of default judgment). Plaintiffs' fees are significant, but they were reasonably incurred, and defendants have only themselves to blame. Plaintiffs will be awarded the full amount of attorneys' fees that they are seeking.

Plaintiffs also seek to recover their litigation expenses, which are described in the declarations of Ms. Willenson and Mr. Keberlein Gutierrez: \$475.00 in fees for filing and service of

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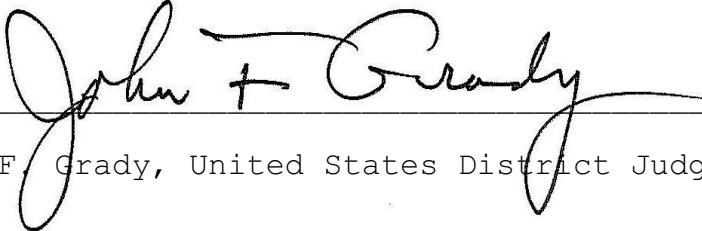
process; \$1,000.00 in interpreters' fees; \$250.00 in travel costs; and \$72.39 in postage. We find that these expenses were reasonable and necessarily incurred; therefore, they will also be allowed.

CONCLUSION

Plaintiffs' petition for attorneys' fees and costs [104] is granted, and plaintiffs are awarded \$109,914.00 in attorneys' fees and \$1,797.39 in costs, for a total of \$111,711.39, for which defendants will be jointly and severally liable.

DATE: January 30, 2013

ENTER:



John F. Grady, United States District Judge